

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

DEDRICK POLK, #2376179	§	
	§	
VS.	§	CIVIL CASE NO. 4:21-CV-998
	§	
NURSE MARGIE, ET AL.	§	

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On August 2, 2023, the report of the Magistrate Judge (the “Report”) (Dkt. #25) was entered containing proposed findings of fact and recommendations that Defendants’ motions to dismiss (Dkt. ##17, 18) be granted. Accordingly, the Magistrate Judge recommended the following: Plaintiff’s claims against Defendants be dismissed with prejudice; Plaintiff not be given leave to amend; and this dismissal count as a strike pursuant to 28 U.S.C. § 1915(g).

Having received the Report of the United States Magistrate Judge, and no timely objections being filed,<sup>1</sup> the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

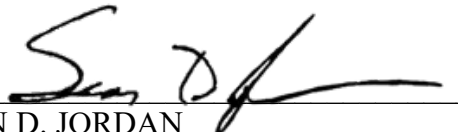
It is therefore **ORDERED** that Defendants’ motions to dismiss (Dkt. ##17, 18) are **GRANTED**. Plaintiff’s claims against Defendants are **DISMISSED WITH**

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<sup>1</sup> A copy of the Report and Recommendation (Dkt. #25) was returned as undeliverable on August 24, 2023, and marked, “Returned to Sender-Not Deliverable as Addressed-Unable to Forward” and “Discharged.” (Dkt. #26). Plaintiff has not updated his address with the Court.

**PREJUDICE**; this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g); and the Clerk of Court is directed to **CLOSE** this civil action.

**So ORDERED and SIGNED this 20th day of September, 2023.**



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SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE